

REMARKS

This responds to the Final Office Action mailed on December 22, 2008.

Claims 1, 8, and 15-18 are amended, and no claims are cancelled or added; as a result, claims 1-18 remain pending in this application.

§ 103 Rejection of the Claims

Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being obvious over Ishibashi (U.S. Patent No. 5,695,188) in view of Wood et al. (U.S. Patent No. 5,798,922; hereinafter "Wood").

Ishibashi describes a wagering game machine that is operable to present audio sound when symbol columns in a wagering game machine are moved and stopped. In one embodiment, different sounds are generated for each of the symbols passing on the winning line while each of the columns is moved. In an alternate embodiment, different sounds for each reel symbol are presented when the reel symbols are stopped on the winning line when each of the plurality of reel columns are stopped. Sounds are not presented such that they appear to a game player to come from the physical location on the display of the displayed game element, and are not movable in apparent location.

Wood describes an interactive environment such as a video game in which audible cues enable a listener to identify locations of origins of sounds. Phase, volume, and other functions such as a head-related transfer function (HRTF) are used to audibly distinguish the locations of sound sources (*see*, the Abstract).

More specifically, Wood uses left and right front and rear signals processed using certain functions to combine them to two channels, such as a pair of headphones as shown in Figure 1 or two speaker channels. The result is to make a sound appear to come from any direction around the user, in a three-dimensional environment (*see*, the Summary). Sounds that are associated with objects on the display can be moved about the user in 360 degrees of rotation, and are not tied to the physical position on the screen where the object is displayed (*see*, col. 3, ln. 15-17) but may be behind the game player, to the side of the game player, or in any other position around the game player.

The pending claims, in contrast, recite that the audio cues appear to a game player to come from the physical location on the display of the displayed game element and are movable to different physical locations on the display to reflect the physical location of a desired game element on the display. Although the physical location of displayed objects in Wood is tied to movable sound, the sound in Woods moves 360 degrees around the game player rather than within the bounds of the display screen.

Other points of distinction exist between Woods and the pending claims, including directing the attention of a user to a game element of a wagering game, in that neither Woods nor Ishibashi use sound to direct the attention of a wagering game player to a specific wagering game element.

To facilitate allowance of the pending claims, applicant has further amended the claims to recite this limitation of using audio that appears to come from physical location on the display of the displayed game element to reflect the physical location within the bounds of the display screen of a desired game element on the display, more clearly distinguishing the pending claims from the prior art.

Reexamination and allowance of these pending claims 1-18 is therefore respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9581

Date Feb. 23, 09

By 

John M. Dahl
Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 23, 2009.

Shaklochy M. Carrion
Name


Signature